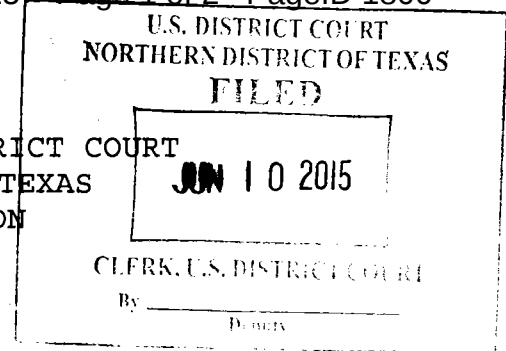


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



HENRY LEE SIMS, JR., ET AL.,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	NO. 4:14-CV-045-A
	§	
KIA MOTORS AMERICA, INC.,	§	
ET AL.,	§	
	§	
Defendants.	§	

ORDER

Came on for consideration the motion of defendants, Kia Motors America, Inc., and Kia Motors Corporation, for summary judgment on all claims and all issues. The court, having considered the motion, the response of plaintiffs¹, the reply, the record, and applicable authorities, finds that the motion should be granted.

The parties recognize that Texas law requires expert testimony in a products liability action like this one. See ECF No. 116² ("Plaintiffs do not dispute defendants' characterization of Texas law regarding the necessity of expert testimony."). Plaintiffs want to reargue the admissibility of the testimony of their experts, but the court has already ruled. ECF Nos. 104,

¹The court has already determined that plaintiff Shamika Sims has no entitlement to recovery of wrongful death benefits under Texas law, which is applicable in this case. Mem. Op. & Order dated March 13, 2015. By final judgment signed along with this order, that ruling will be made final.

²The reference is to the court's electronic case filing document number.

105, 110. Without expert testimony, plaintiffs cannot raise a genuine issue of material fact.

The court ORDERS that defendants' motion for summary judgment be, and is hereby, granted; that plaintiffs, Henry Lee Sims, Jr., Timothy E. Sims, Willie E. Sims, Shamika R. Sims, Kathlyn L. Sims, Brence E. Sims, Michael A. Sims, Sarah D. Sims, and Pamela R. Sims, all individually and as heirs of Henry Lee Sims, Sr., take nothing on their claims against defendants in this action; and, that such claims be, and are hereby, dismissed with prejudice.

SIGNED June 10, 2015.



JOHN MCBRYDE
United States District Judge